



# CATEGORICAL EXCLUSION REVIEW

## PROPOSAL INFORMATION

**Proposal Name:** Middle Fly Restoration

**PALS Tracking #:** 58686

**Proposal Date:** 1/6/2020

**Project File:** C:\Users\briannacarollo\Box\01.brianna.carollo  
Workspace\lag2020SmallProjects\Middle Fly  
Restoration

**Proponent Name:** Joe Platz

**Line Officer:** Bill Gamble

**General Location:** Fly Creek, River miles 4-7

**District:** La Grande Ranger District

**Applicable Management Areas:** MA1, MA15

**County(ies):** Union

**Legal Description:** T 5S, R 35.5E, S 3, 4, 8, 9

**Anticipated Implementation:** September 2021-  
October 2022

**Watersheds:** Lower Fly Creek subwatershed

**Signing Authority:** District Ranger

## APPLICABLE CATEGORY

This proposal is categorically excluded from documentation in an EA or EIS because it fits 36 CFR 220.6(e)(7) (DM Required), pending extraordinary circumstance determinations. This category is applicable for this project because trees located near the project area will be used to improve aquatic habitat.

## PROPOSAL

### Existing Condition

Fly Creek has been subject to several iterations of restoration work over the past 30 years. In the late 1980s/early 1990s, sill logs were added into the stream as part of an initial restoration effort. In 2009, large wood was added to the stream to enhance pool development, but subsequent peak flows moved structures and diminished pool and habitat quality.

### Proposed Activities

The La Grande Ranger District (the District) will continue restoration objectives along Fly Creek. This project connects instream improvements from the 2018 Lower Fly Creek Restoration project to the middle reaches of Fly Creek. The District plans to construct channel spanning structures and improve existing structures from Fly Creek River miles 4-7. Channel spanning log jams activate side channels and increase hydration of laterally confined channels to improve groundwater retention. Addition of large woody debris to existing structures should improve fish habitat.

This project requires harvesting and staging approximately 2400 trees on the road prism of NFS roads 5115, 5115-205, 300, 169, 180, 460 & 450. After harvest, these trees will be transported to the creek with helicopters. Additional trees adjacent to the stream will be directionally felled into the channel. Small trees with limbs would be thinned within the riparian area and hand placed into structures.

### Project Design Criteria

- Tree removal within road prisms that travel through MA15 are limited to those under 21" diameter. The quality of MA15 will not be compromised by removing trees of this class and size from the road prism.
- All instream work will be done with helicopters and handcrews. No digging or ground based machinery will be in or adjacent to the stream.



### Middle Fly Creek Restoration

- The project will occur from September 1, 2021 – October of 2022.
  - Helicopter placement will occur in October 2021.
  - Hand placement will occur in October 2021, and July through October of 2022.
- An instream work window variance is needed to prevent effects to goshawk nesting within the helicopter flight paths.
- Suspected northern goshawk nest will be surveyed for activity in May.
- All disturbed areas will be reseeded with a native plant mixture.
- Closed roads reopened for tree removal will be reclosed with barriers after harvest is complete.
- Project implementation will not occur until the Section 106 process is complete with SHPO concurrence
- The following tree retention elements will be considered:
  - Prioritize the retention of fire tolerant green tree species: ponderosa pine (last to be removed) > western larch > Douglas fir > subalpine fir > juniper > white/grand fir > lodgepole pine (first to be removed). Other tree species (including hardwoods) are not recommended for large woody debris stream restoration projects. Extreme care should be taken when cutting subalpine fir so that the retention of whitebark pine is prioritized (range >5,500 feet).
  - Prioritize the retention of old trees (>150 years) and large trees including clumps of old trees. Large trees for grand fir or white fir is  $\geq 30$  inches dbh or any other species  $\geq 21$  inches dbh.
  - Prioritize the retention of deformed, damaged, forked, broken topped, or dead topped green trees as habitat trees for wildlife.
  - Prioritize the retention of green trees that would impact the presence of existing snags >2 meters tall and >10 inches dbh.
  - Prioritize the retention of green trees that meet the following four criteria: small patches (5 x 5 feet) of mistletoe broom located above 50 ft, near areas with >50% canopy cover, and near or in drainages (for wildlife nesting [northern goshawk/owl nest]).
  - Retain partially hollow or hollow trees for future snags or down wood.
  - Prioritize the retention of tall, old, and large trees on ridge tops with sloughing bark for future snags or down wood.
- As a public safety measure, the project area roads will be closed to non-essential traffic from September 1<sup>st</sup> through October 31 of 2021. The road closure will begin at the dispersed campsite ¼ mile south of the first harvest location on the 5115 Rd. The closure will be signed at the intersection of National Forest System Roads 51 and 5115 to alert traffic about the turnaround.
- A two week area closure will be issued in October for public safety during helicopter operations.

# **MIDDLE FLY CREEK RESTORATION 2021**

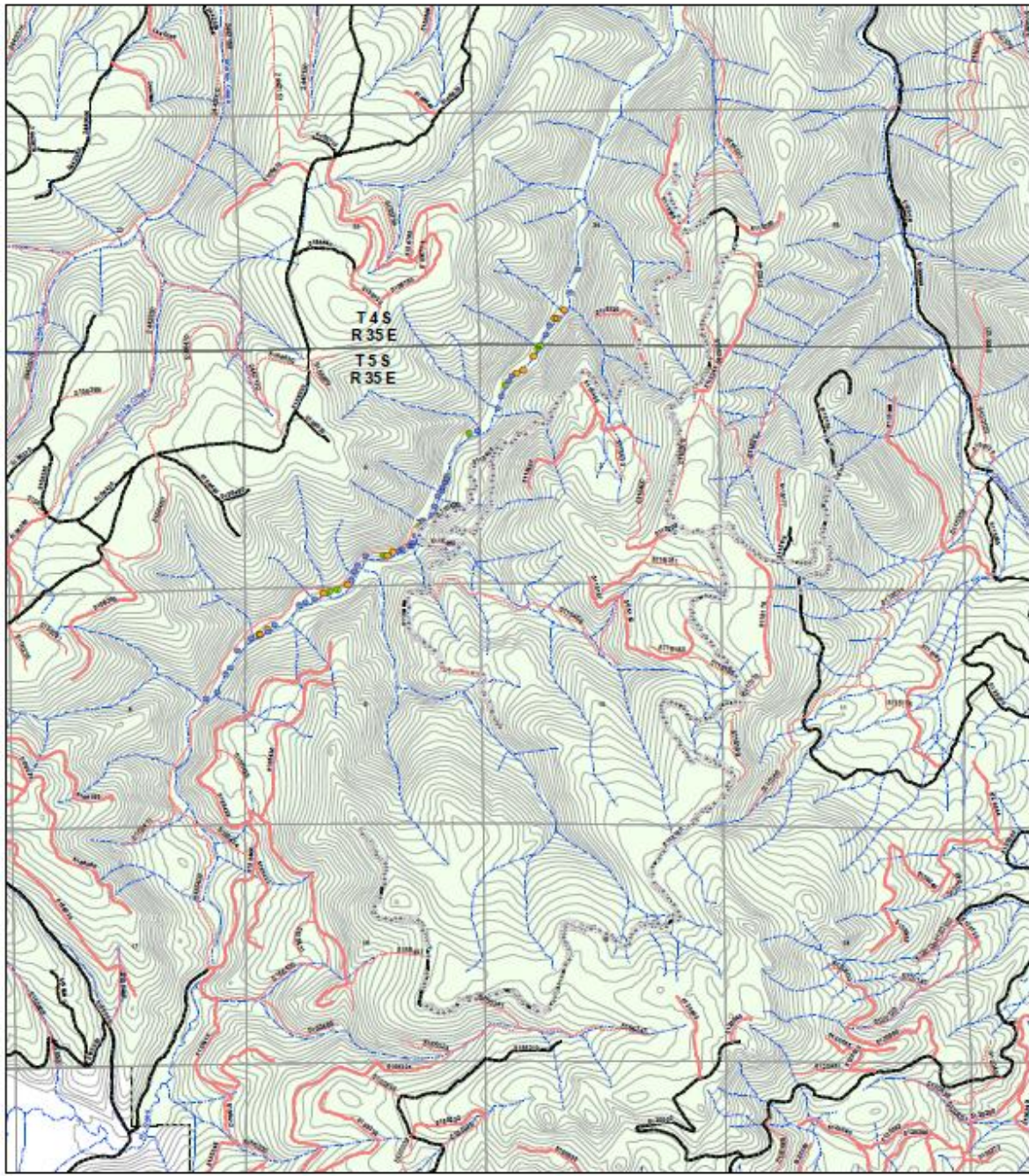


## **Restoration Project Type**

- Small Spanning Structure
- Large Spanning Structure
- Whole Tree Placement
- Tree Locations

- Open Roads
- Closed Roads
- Non FS Roads
- Decomm Roads
- Streams
- La Grande Ranger District

Date: 03/2019



**MAP**





## PROPOSAL SCREENING

### REGULATORY CONSIDERATIONS

Given the nature of the proposal, the Responsible Official is requesting documentation to demonstrate compliance with the following regulatory considerations in addition to NEPA:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> NFMA/Land Management Plan          | <input checked="" type="checkbox"/> Tribal Consultation        |
| <input checked="" type="checkbox"/> Endangered Species Act             | <input checked="" type="checkbox"/> Clean Water Act            |
| <input checked="" type="checkbox"/> Sensitive Species (FSM 2670)       | <input checked="" type="checkbox"/> Pertinent Executive Orders |
| <input checked="" type="checkbox"/> National Historic Preservation Act |  |

### AGENCIES, ORGANIZATIONS & PERSONS TO BE CONTACTED

Given the nature of the proposal, the Line Officer/Responsible Official is requesting the following agencies, organizations and/or persons be contacted to provide input to, or to be made aware of, the proposal.

Confederated Tribes of the Umatilla Indian Reservation

State Historic Preservation Office

United States Fish and Wildlife Service (USFWS)

### SUPPORTING PROJECT DOCUMENTATION

Table 1: Applicable Project File Documentation for Agencies, Organizations & Persons Contacted

Documentation Type	File Name (if applicable/needed)
All supporting documentation will be filed in the project record when complete	C:\Users\briannacarollo\Box\01. brianna.carollo Workspace\lag2020SmallProjects\Middle Fly Restoration

### RESOURCE PARTICIPATION IN ENVIRONMENTAL ANALYSIS REVIEW

The Line Officer/Responsible Official has requested the following resource areas to review the proposal to determine compliance with the regulatory considerations.

Table 2: Documentation of Review Completion

Resource	Review Complete
Botany	10/14/2020 Sabrina Smits
Fisheries	11/23/2020 Joe Platz
Hydro	1/21/2021 Dana Nave
Soils	11/14/2020 Mary Young
Wildlife	10/22/2020 Laura Navarrete



## ENVIRONMENTAL ANALYSIS REVIEW

### NATIONAL FOREST MANAGEMENT ACT (NFMA) – LAND MANAGEMENT PLAN CONSISTENCY

The pertinent specialist has reviewed the proposal and made the following determinations regarding proposal consistency with applicable Land Management Plan direction, standards and guidelines.

**Botany:** Consistent

**Range:** N/A

**Cultural/Heritage:** Consistent

**Recreation:** N/A

**Engineering:** N/A

**Scenic Resources:** N/A

**Fisheries:** Consistent

**Soils:** Consistent

**Fuels:** N/A

**Silviculture:** N/A

**Hydro:** Consistent

**Special Management Areas:** N/A

**Lands/Special Uses:** N/A

**Wildlife:** Consistent

**Minerals:** N/A

### ENDANGERED SPECIES ACT

#### THREATENED, ENDANGERED, PROPOSED AND CANDIDATE SPECIES &/OR CRITICAL HABITAT

The pertinent specialists reviewed the proposal and made the following determinations for threatened, endangered and/or proposed species:

Table 3: TEPC Effect Determinations for ESA

Species/Habitat	Status	Proposed or Designated Critical Habitat Present?	Determination*	Brief Rationale (or refer to other project documentation)
Snake River Basin Spring Chinook	Threatened	Yes	NLAA	See ARBOII
Snake River Basin Summer Steelhead	Threatened	Yes	NLAA	
Canada Lynx	Threatened	No	NE	See Lower Fly Creek Restoration BE

\*NE – No Effect; NLAA – May Affect, Not Likely to Adversely Affect; LAA – May Affect, Likely to Adversely Affect; No Jeopardy - Not Likely to Jeopardize the Continued Existence or Adversely Modify Critical Habitat

### SUPPORTING PROJECT DOCUMENTATION



## Middle Fly Creek Restoration

Table 4: Applicable Project File Documentation to Support ESA Compliance

Documentation Type	File Name (if applicable/needed)
ARBO II Wildlife BE	C:\Users\briannakcarollo\Box\01. brianna.carollo Workspace\lag2020SmallProjects\Middle Fly Restoration

### SENSITIVE SPECIES (FSM 2670)

The pertinent specialists reviewed the proposal and made the following determinations for sensitive species:

Table 5: Sensitive Species Impact Determinations

Species	Determination*	Rationale (or refer to other project documentation)
<i>Botrychium spp</i> , <i>Carex cordillerana</i> , <i>Dracocephalum parviflorum</i> , <i>Ophioglossum pusillum</i>	MIIH	Short term MIIH, long term Beneficial Impact. Refer to ARBOII, Plant BE, and Wildlife BE in the project file for more detail.
Columbia Spotted Frog	MIIH	
Redband Trout	MIIH	
California Wolverine	NI	See Wildlife BE in project file
Shiny Tightcoil	MIIH	
Thinlip Tightcoil	MIIH	
Western Bumblebee, Suckley Cuckoo Bumblebee, Morrisoni Bumblebee	MIIH	

**NI** – No Impact; **MIIH**- May Impact Individuals or Habitat, but Will Not Likely Contribute To A Trend Towards Federal Listing Or Loss Of Viability To The Population Or Species; **WIFV** - Will Impact Individuals or Habitat with A Consequence That the Action May Contribute To A Trend Towards Federal Listing Or Cause A Loss Of Viability To The Population Or Species

### SUPPORTING PROJECT DOCUMENTATION

Table 6: Applicable Project File Documentation to Support Agency Sensitive Species Compliance

Documentation Type	File Name (if applicable/needed)
Wildlife BE Plant BE	C:\Users\briannakcarollo\Box\01. brianna.carollo Workspace\lag2020SmallProjects\Middle Fly Restoration



## **NATIONAL HISTORIC PRESERVATION ACT (NHPA) – SECTION 106 REVIEW**

**The pertinent specialist has reviewed the proposal and made the following determination regarding Section 106 compliance:**

Other - See explanation of other determination in comments section.

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### **COMMENTS**

106 Review is in progress. The district will not begin implementation until SHPO concurrence has been reached.

## **TRIBAL CONSULTATION**

**Based on the nature of the proposal, the line officer/responsible official made the following determination regarding Tribal Consultation:**

Consultation with American Indian Tribes has been initiated and is ongoing.

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### **COMMENTS**

Confederate Tribes of the Umatilla Indian Reservation (CTUIR) – 2019/2020 Program of Work

CTUIR will proceed with a review and comment period before implementation.

## **CLEAN WATER ACT (CWA)**

**The pertinent specialist has reviewed the proposal and made the following determination:**

This project is consistent with the Upper Grande Ronde Water Quality Restoration Plan (2000) and thereby complies with the CWA.

## **PERTINENT EXECUTIVE ORDERS**

**The line officer and/or applicable specialist(s) have determined the proposal is in compliance with the following Executive Orders (EO), which were deemed pertinent based on the nature of the proposal.**

- EO 11988, Floodplain Management
- EO 11990, Protection of Wetlands
- EO 12898, Environmental Justice
- EO 13007, Indian Sacred Sites
- EO 13112, Invasive Species
- EO 13175, Consultation & Coordination w/ Indian Tribal Governments
- EO 13186, Migratory Birds

## **NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) – EXTRAORDINARY CIRCUMSTANCE CONSIDERATIONS**

**Pertinent specialists have reviewed the proposal and made the following determinations with regards to presence of extraordinary circumstances:**



# Middle Fly Creek Restoration

Table 9: Extraordinary Circumstance Determinations

Resources Conditions Considered for Extraordinary Circumstances	Is there a degree of potential effect that raises uncertainty over its significance? Briefly explain. <sup>1</sup>
<b>WILDLIFE</b> Federally listed threatened or endangered species, Designated critical habitat, Forest Service sensitive species	NO, there is no uncertainty  <b>Rationale for Yes/No: Activities proposed have been used extensively on this forest and have yielded no new effects.</b>
<b>FISHERIES</b> Federally listed threatened or endangered species, Designated critical habitat, Forest Service sensitive species	NO, there is no uncertainty  <b>Rationale for Yes/No: Activities proposed have been used extensively on this forest and have yielded no new effects.</b>
<b>BOTANY</b> Federally listed threatened or endangered species, Designated critical habitat, Forest Service sensitive species	NO, there is no uncertainty  <b>Rationale for Yes/No: Activities proposed have been used extensively on this forest and have yielded no new effects.</b>
<b>Floodplains, wetlands or municipal watersheds</b>	NO, there is no uncertainty  <b>Rationale for Yes/No: Activities proposed have been used extensively on this forest and have yielded no new effects.</b>
<b>Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas</b>	N/A, not present
<b>Inventoried roadless areas</b>	N/A, not present
<b>Research natural areas</b>	N/A, not present
<b>American Indians and Alaska Native religious or cultural sites</b>	NO, there is no uncertainty  <b>Rationale for Yes/No: Treatment areas have been surveyed and any identified areas of concern will be avoided. All instream work will be either by helicopter or hand placement.</b>
<b>Archaeological sites, or historic properties or areas</b>	

<sup>1</sup>Be sure to provide resource context for rationale discussions. Is there something unique to this proposal or existing resource conditions that would lead to greater intensity of effects than would typically be anticipated for similar actions?





## Middle Fly Creek Restoration

### DECISION MEMO

#### Middle Fly Restoration

##### U.S. Forest Service

La Grande Ranger District, Wallowa-Whitman National Forest

Union County, Oregon

This decision incorporates all previous information in this document and included in the project file.

#### DECISION & RATIONALE

I have decided to authorize the activities described above in the [Proposal](#) section, to include any modifications identified during environmental analysis and review of regulatory compliance.

#### APPLICABLE CATEGORICAL EXCLUSION & FINDINGS REQUIRED BY OTHER LAWS

The [Proposal Information](#) section above provides rationale for categorically excluding this action from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) and for using the provisions within category 36 CFR 220.6(e)7. The [Environmental Analysis Review](#) section documents the finding that no extraordinary circumstances exist, along with findings required by other applicable laws and regulations, demonstrating compliance with the regulatory framework for the activities authorized by this decision.

#### AGENCIES, ORGANIZATIONS & PERSONS CONTACTED

A [list of agencies, organizations and/or persons contacted](#) regarding this proposal is provided above.

#### IMPLEMENTATION DATE

I intend to implement this decision from September 2021-October 2022.

#### ADMINISTRATIVE REVIEW

Decisions that are categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) are not subject to an administrative review process (Agriculture Act of 2014 [Pub. L. No. 113-79], Subtitle A, Sec. 8006).

#### CONTACT

For additional information concerning this decision, contact:

Joe Platz, Fish Biologist, 3502 Hwy 30, La Grande, OR, 97850, 541-962-

April 22, 2021

Bill Gamble  
District Ranger  
La Grande Ranger District



## Middle Fly Creek Restoration

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